IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7779 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

Union of India .....Applicant

Versus

Babulal I. Shaikh and Anr. .....Respondents

Mrs. S.J. Patwardhan with Mr. D.N. Salvi for the applicant.
Mrs. M.M. Deshmukh, A.P.P. for the State.

CORAM: **A.M. KHANWILKAR, J.**
DATE: **DECEMBER 13, 2005**.

P.C.

Prima facie, there is substance in the argument canvassed on behalf of the Applicant that the charge as framed was defective inasmuch as the correct charge would be under the provisions of N.D.P.S. Act and not under the Bombay Prohibition Act as was framed and for which the accused came to be tried. Leave to Appeal granted. Admit.

(A.M. KHANWILKAR, J.)